

MEISSNER TRACTORS, INC.,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 98-77-A
BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 25, 1999

On June 30, 1999, the Board of Indian Appeals vacated a decision issued in the above case by the Billings Area Director, Bureau of Indian Affairs (Area Director), and remanded the matter to the Area Director for further consideration. 34 IBIA 20. The Area Director filed a timely petition for reconsideration.

The Area Director's petition shows disagreement with the Board's decision. However, the Board has held that disagreement with a decision does not constitute the type of "extraordinary circumstances" for reconsideration envisioned by 43 C.F.R. § 4.315(a). See, e.g., Needles Lodge v. Acting Phoenix Area Director, 31 IBIA 123 (1997).

When the Board vacates a decision issued by a BIA official, it does not mean that the decision was incorrect. It means that the Board was unable, under the circumstances of that case, to determine whether or not the decision was correct. On remand, the Area Director might wish to consult with the Solicitor's Office to prepare a decision which provides clear factual and legal authority for any action taken.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this petition for reconsideration is denied.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge